

Exhibit “J”

Attached to:

Defendant Sosa’s Motion in Limine to Preclude

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<p>383</p> <p>1 VOLUME: 2 2 PAGES: 383-631 3 EXHIBITS: 9</p> <p>4 UNITED STATES DISTRICT COURT 5 DISTRICT OF CONNECTICUT 6 CIVIL ACTION NO. 19-CV-10719-PBS</p> <p>7 _____ 8 : 9 In the Matter of the Complaint : 10 and Petition of CAPT. JUAN, INC. : 11 as owner of the F/V CAPT. : 12 BILLY HAVER for Exoneration : 13 from or Limitation of Liability : 14 _____</p> <p>15 CONTINUED ZOOM DEPOSITION OF: 16 CAPTAIN JUAN, INC.'S 30(b)(6) DESIGNEE JUAN ARAIZA 17 Appearing remotely from Seaford, Virginia 18 Wednesday, April 14, 2021 19 10:02 a.m. - 5:19 p.m.</p> <p>20 21 22 23 Christine E. Borrelli, CSR, RPR, RMR 24 25 LEXITAS LEGAL (508) 478-9795 - (508) 478-0595 (Fax) www.LexitasLegal.com</p>	<p>385</p> <p>1 I N D E X 2 3 4 WITNESS DIRECT CROSS REDIRECT RECROSS 5 6 Juan Araiza 7 By Mr. Anderson 386 8 By Mr. Flynn 561 9 EXHIBIT PAGE: 10 Petitioner Sosa's Exhibit F, Abstract of Title 386 11 Petitioner Sosa's Exhibit G, 2018 Annual Report 386 12 Petitioner Sosa's Exhibit H, Complaint of Limitation .. 386 13 Petitioner Herrera's Exhibit 23, Deposition Excerpt ... 386 14 Petitioner Herrera's Exhibit 24, Interrogatory Responses 386 15 Petitioner Herrera's Exhibit 25, Google Earth Image ... 386 16 Petitioner Herrera's Exhibit 26, Loan Agreement 386 17 Petitioner Herrera's Exhibit 27, Mortgage 386 18 Petitioner Herrera's Exhibit 28, Amended & Restated Security Agreement 386 19 20 21 22 23 Exhibits digitally marked and returned to counsel with the transcript 24 25</p>
<p>384</p> <p>1 **Counsel, witness, and court reporter appearing remotely** 2 3 APPEARANCES: 4 5 ATTORNEYS FOR THE CLAIMANT RAFAEL HERRERA: 6 7 FLYNN WIRKUS YOUNG, P.C. 8 350 Granite Street - Suite 1204 9 Braintree, MA 02184 10 (617) 773-5500 11 BY: MICHAEL B. FLYNN, ESQ. 12 mflynn@flynnwirkus.com 13 14 ATTORNEYS FOR THE CLAIMANT GRACIELA SOSA: 15 16 LATTI & ANDERSON 17 30 Union Wharf 18 Boston, MA 02109 19 (800) 393-6072 20 BY: DAVID F. ANDERSON, ESQ. 21 danderson@lattianderson.com 22 23 ATTORNEYS FOR CAPTAIN JUAN, INC.: 24 25 REGAN & KIELY, LLP 40 Willard Street - Suite 304 Quincy, MA 02169-1252 (617) 723-0901 BY: JOSEPH A. REGAN, ESQ. jregan@regankiely.com</p> <p>26 IN ATTENDANCE: 27 Armando Nunez, Lexitas technical support 28 29 30</p>	<p>386</p> <p>1 (Petitioner Sosa's Exhibits F-H, Documents, marked 2 for identification) 3 4 (Petitioner Herrera's Exhibits 23-28, marked for 5 identification) 6 7 JUAN ARAIZA, having been previously identified, and 8 previously duly sworn testifies as follows: 9 10 CONTINUED CROSS-EXAMINATION BY MR. ANDERSON: 11 12 Q. Mr. Araiza, do you understand that this is a 13 continuation of the deposition of yesterday and that you are 14 still under oath? 15 A. Yes, sir. 16 Q. Let me quickly go to the share screen. Can you see 17 on your screen what has now been marked as Exhibit H? 18 A. Yes. 19 Q. Okay. So, let me go to Exhibit E. 20 Counsel, I emailed you just five minutes ago copies 21 of these so you will have them, the three additional exhibits 22 I marked this morning. 23 Do you see in front of you, Mr. Araiza, a document 24 marked as Exhibit E? 25 A. Yes.</p>

<p style="text-align: right;">527</p> <p>1 A. No, sir. It's just -- you have got to write the</p> <p>2 messages.</p> <p>3 Q. Okay.</p> <p>4 A. You fax them or email them.</p> <p>5 Q. So, what I'm hearing from you is the only recordings</p> <p>6 of communications from the Fishing Vessel Billy Haver to</p> <p>7 anyone on land would be the recordings of the Mayday to the</p> <p>8 Coast Guard, which we have identified, and also which you have</p> <p>9 identified would be the Boatracs emails sent by the Billy</p> <p>10 Haver both to shore and also to the Fishing Vessel Pursuit</p> <p>11 during the trip; correct?</p> <p>12 A. Correct.</p> <p>13 Q. And you are not aware of any other recordings of</p> <p>14 communications between the Billy Haver and anyone onshore,</p> <p>15 either directly of recording, you know, like hitting record on</p> <p>16 your phone somehow, or indirectly through the Fishing Vessel</p> <p>17 Pursuit; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. I just want to make sure I have everything. That's</p> <p>20 all. Okay. Captain Juan, Inc., has asserted a claim in this</p> <p>21 case that the hull of the Captain Billy Haver, stripped of her</p> <p>22 federal commercial fishing permits, is worth approximately</p> <p>23 \$1.1 million. Are you aware of that claim?</p> <p>24 A. That's what the survey said, yes, sir.</p> <p>25 Q. In making that claim, did Captain Juan, Inc., review</p>	<p style="text-align: right;">529</p> <p>1 Haver in September of 2018, the hull, stripped of its fishing</p> <p>2 permit, was worth about \$1.1 million, was not based on</p> <p>3 reviewing comparable sales of other similar vessels; is that</p> <p>4 correct?</p> <p>5 A. That's correct.</p> <p>6 MR. REGAN: Objection.</p> <p>7 THE WITNESS: The survey said that, but I don't know</p> <p>8 what he based it on.</p> <p>9 Q. (By Mr. Anderson) It would be fair to -- okay. If</p> <p>10 there were a bunch of vessels similar -- strike that. Are you</p> <p>11 aware of any vessels that are substantially similar to the</p> <p>12 Captain Billy Haver which had been sold without their fishing</p> <p>13 permits at any time in the last four years?</p> <p>14 A. No, sir.</p> <p>15 Q. You would agree with me that it is rare for a vessel</p> <p>16 of the size and type of the Fishing Vessel Captain Billy Haver</p> <p>17 to be sold stripped of its fishing permits; is that correct?</p> <p>18 A. That is correct. That would be a hard thing to do.</p> <p>19 Q. And the reason it would be hard to sell a vessel</p> <p>20 substantially similar to the Fishing Vessel Captain Billy</p> <p>21 Haver without permits would be the vessel would have no value</p> <p>22 because it can't fish; correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Just one second. I'm very close to being done.</p> <p>25 Okay. Going back to Exhibit A, the Notice of Deposition, the</p>
<p style="text-align: right;">528</p> <p>1 or rely upon any comparable sales?</p> <p>2 A. No, sir. We just think that's what it's worth. The</p> <p>3 surveyor, he knows more than we do. So, he's the one who sets</p> <p>4 the price on it.</p> <p>5 Q. And there are two surveys in the giant Exhibit E,</p> <p>6 which we have talked about before, and -- well, let me</p> <p>7 rephrase the question. Can you identify all of the facts and</p> <p>8 documents which Captain Juan, Inc., relies upon for its claim</p> <p>9 that the hull of the Fishing Vessel Captain Billy Haver</p> <p>10 stripped of its fishing permits was worth approximately</p> <p>11 \$1.1 million in September of 2018?</p> <p>12 MR. REGAN: Objection. Go ahead.</p> <p>13 THE WITNESS: That's what we think the boat is</p> <p>14 worth. It all depends if we want to give it to you but,</p> <p>15 you know, we're not in a settlement.</p> <p>16 Q. (By Mr. Anderson) My question was, what is the</p> <p>17 basis or reason for that claim?</p> <p>18 A. I would have to --</p> <p>19 MR. REGAN: Objection. Go ahead.</p> <p>20 THE WITNESS: You would have to put into</p> <p>21 consideration what you pay for the boat, what it cost you</p> <p>22 to bring it over, and the amount of money you spent in</p> <p>23 the shipyard trying to make it a scallop boat.</p> <p>24 Q. (By Mr. Anderson) As I understand your testimony</p> <p>25 correctly, the claim of Captain Juan, Inc., that the Billy</p>	<p style="text-align: right;">530</p> <p>1 last topic is documents described in the Schedule A. Do you</p> <p>2 see that, Topic Number 20?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And then below it says, "The deponent" -- that's the</p> <p>5 person who gives testimony -- "is required to bring with him</p> <p>6 for examination copies of documents on the attached</p> <p>7 Schedule A, which I am now going to shift down to the attached</p> <p>8 Schedule A. Do you see in front of you on the sixth page of</p> <p>9 Exhibit A a document entitled Schedule A, 30(b)(6) Deposition</p> <p>10 of Captain Juan, Inc., do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Has Captain Juan, Inc., produced all of the</p> <p>13 settlement sheets in the four years prior to the</p> <p>14 September 2018 incident, to your knowledge?</p> <p>15 A. Yes.</p> <p>16 Q. Is the same true with respect to vessel</p> <p>17 communication records?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Has Captain Juan, Inc., produced, in connection with</p> <p>20 this deposition, all of the vessel valuation documents</p> <p>21 described in Item Number 3 of Schedule A of the Notice of</p> <p>22 Deposition? You can take your time to review the items.</p> <p>23 A. Yes, sir.</p> <p>24 Q. And the fourth group of documents that Captain Juan,</p> <p>25 Inc., was requested to bring to the deposition are "All</p>